

March 16, 1979

LB 379

let me know when we get to it and I will follow that order. So the Chair recognizes at this time, Senator Fowler. He waives his right to speak. Is Senator Schmit here? We are doing real well. Is Schmit absent? He is excused. All right. Senator Warner, we are to you already. The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President, I move LB 379 be indefinitely postponed.

PRESIDENT: All right, there is a motion.

SENATOR WARNER: I offer the amendment for three or four reasons. When it comes to constitutional amendments, many of them you can say would be fine, but is a real need demonstrated in order to justify the approximately \$25,000 that now is estimated for each constitutional amendment that is placed on the ballot? I do not see, when reading the language of the bill, that it makes any significant difference as far as the operation of the court with one exception, and that one exception is it removes the language that indicates that the salaries of the various officers of the court shall be set by law. I assume that by striking that language that, in effect, the Legislature would have no authority to do so if they wish to limit it and I bring it up because it has been my understanding at least, that in the past the comment has been made at some of the appropriation hearings and I concur with it in part certainly, that one branch of government or the Legislative Branch could not restrict appropriations to make the Judicial Branch ineffective and that I think is an obvious need for constitutional protection, but on the other hand, neither do I think the Legislature should be placed in the position, since we do get the credit or the blame for expenditures. Neither do I think we should be totally taken out of any authority in the setting the level of salaries that these various officers might want to provide for themselves. Secondly, I'm not sure but I would assume since the whole county court system is also under the Supreme Court with a substantial number of employees throughout the system, that any control over those salaries would also be eliminated by the provisions of the language. Last year or the current year there was something like three hundred and twenty-four people involved. So I think there could be a significant fiscal impact from this constitutional amendment if the authority for setting salaries, as it appears to me would be the case, is taken away from the Legislature. Again I see no beneficial change that